

Bill as Introduced

HB 1225-FN-LOCAL - AS INTRODUCED

2010 SESSION

10-2327
03/01

HOUSE BILL ***1225-FN-LOCAL***

AN ACT requiring a security escort for the delivery of ballots to the clerk.

SPONSORS: Rep. Pilotte, Hills 16; Rep. Perry, Straf 3; Rep. Winters, Hills 17; Sen. DeVries,
Dist 18

COMMITTEE: Election Law

ANALYSIS

This bill requires a security escort for the delivery of ballots after an election to the town or city clerk.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT requiring a security escort for the delivery of ballots to the clerk.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Delivery of Ballots to Town Clerk. Amend RSA 659:98 to read as follows:

2 659:98 Delivery of Ballots to Town Clerk. The moderator, or his *or her* designee, and the
3 selectmen, or their designee, after they have sealed and certified the state election ballots as
4 provided in RSA 659:95 and [96] ***RSA 659:96***, shall, ***accompanied by security escort***, deliver the
5 sealed containers to the town or city clerk, or to [his] ***the clerk's*** designee, who shall in their
6 presence enter in the appropriate place on each sealer the time of day and shall sign his *or her* name
7 in the appropriate blank on the sealer. The clerk or [his] ***clerk's*** designee shall, without breaking
8 the seals or otherwise changing the condition of the containers, deposit the containers in the town or
9 city hall, where the ballots shall be kept for a period of 60 days.

10 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
10-2327
10/30/09

HB 1225-FN-LOCAL - FISCAL NOTE

AN ACT requiring a security escort for the delivery of ballots to the clerk.

FISCAL IMPACT:

The New Hampshire Municipal Association and the Department of State this bill may increase local expenditures by an indeterminable amount in FY 2010 and each fiscal year thereafter. There will be no fiscal impact on state or county expenditures and state, county, or local revenue.

METHODOLOGY:

The New Hampshire Municipal Association states this legislation would require a security escort to accompany the moderator or the selectman or their designees when they deliver ballot boxes to the town or city clerk after state and local elections. The Association states, to the extent municipalities would be required to pay someone to perform the service of a security escort, they would experience an increase in costs of an indeterminable amount. The Association maintains that the proposed legislation lacks both a definition for the term 'security escort' and an indication of who could serve in that capacity, so it cannot reasonably estimate what the fiscal impact would be.

The Department of State states this proposed bill may increase expenditures by an indeterminable amount at the local level.

This bill does not contain an appropriation.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1225-FN-L

BILL TITLE: requiring a security escort for the delivery of ballots to the clerk.

DATE: January 12, 2010

LOB ROOM: 308 **Time Public Hearing Called to Order:** 11:00 am

Time Adjourned: 11:25 am

(please circle if present)

Committee Members: Reps. Clemons, Pierce, Splaine, C. Chase, Perry, Levesque, Kartlett, Caron, Hodges, Horrigan, Kom, Brisko, Jasper, Maybeck, Hoelzel, Bates, Somerford, Donerty, Scala and Garcia.

Bill Sponsors: Rep. Pilotte, Hills 16; Rep. Perry, Straf 3; Rep. Winters, Hills 17; Sen. DeVries, Dist 18

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Maurice Pilotte (prime sponsor), introduced bill.

History of why he submitted this bill: One person drives the ballots and personally delivers to clerk's office. The ballots are again put in a private vehicle and delivered to city clerk's office. The videos of this process from the last election were terrifying. What if these ballots were intercepted? What if the private vehicle delivering the ballots was intercepted. The ballots could not be recreated.

There should not be one individual in a private vehicle delivering that machine. There should not be one individual in a private vehicle delivering the ballots.

There should not be potential for either the machine or paper ballots to be intercepted. Prefers to leave it up to each municipality to create a security. Not trying to create a blanket solution.

Michael Brown, AG's office (informational)

Recommends that security be defined. For example: be accompanied by a security officer. Imposing this undefined notion of a security escort could be a burden on the community.

Rep. Jasper: Are you aware of any issues in terms of delivery of ballots

Answer: no

Rep. Bates: In your opinion is it necessary to have more security measures?

Answer: Our interest is in the words security escort. It's a public policy decision. I would leave to your judgment.

Rep. Bob Perry (supports the bill);

Is surprised there are not already laws determining the security of ballots.

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January 12, 2010

Patricia Little, NH City and Town Clerks Association (opposes bill):

Believes individual towns and cities should make security decisions. Security suggests law enforcement. In Keene, for example, there are five polling places and five police officers on duty who could not leave duty to accompany ballots. This would increase the bottom line for the election. It is never a single person dealing with ballots, machines, etc.

Cordell Johnston, NH Municipal Assn (opposes bill)

We shouldn't tell a town that they must hire a security escort to deliver ballots. Seems like overkill. If you are paying a police officer overtime, this would be a 28A issue.

Dep. Sec. of State David Scanlan, (opposes bill)

Mentioned videos were not an accurate depiction of the delivery of ballots in this state. Have worked hard to develop a standard process around the state in terms of how the boxes are sealed. Impossible to create the kind of fraud that has been suggested by the videos. Believes NH does a good job already.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'C. Chase', with a long horizontal flourish extending to the right.

Rep. Claudia A. Chase, Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1225-FN-L

BILL TITLE: requiring a security escort for the delivery of ballots to the clerk.

DATE: Jan. 12, 2010

LOB ROOM: 308 **Time Public Hearing Called to Order:** 11:00

Time Adjourned: 11:25

(please circle if present)

Committee Members: Reps. (Clemens, Pierce, Splaine, C. Chase, Perry, Levesque, Bartlett, Caron, Hodges, Horrigan, Komi, Lriske, Jasper, Maybeck, Hoelze, Bates, Comerford, Ooherty, Scala and Garcia.

Bill Sponsors: Rep. Pilotte, Hills 16; Rep. Perry, Straf 3; Rep. Winters, Hills 17; Sen. DeVries, Dist 18

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HB 1225-FN-L: requiring a security escort for the delivery of ballots to the clerk.

Rep. Maurice Pilotte (prime sponsor):

History of why he submitted this bill: One person drives the ballots and personally delivers to clerk's office. The ballots are again put in a private vehicle and delivered to city clerk's office. The videos of this process from the last election were terrifying. What if these ballots were intercepted? What if the private vehicle delivering the ballots was intercepted. The ballots could not be recreated.

There should not be one individual in a private vehicle delivering that machine. There should not be one individual in a private vehicle delivering the ballots.

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Answer: no

Rep. Bates: In your opinion is it necessary to have more security measures.

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Is surprised there are not already laws determining the security of ballots.

Patricia Little, NH City and Town Clerks Association (opposes bill):

Believes individual towns and cities should make security decisions. Security suggests law enforcement. In Keene, for example, there are five polling places and five police officers on duty who could not leave duty to accompany ballots. This would increase the bottom line for the election. It is never a single person dealing with ballots, machines, etc.

Cordell Johnston, NH Municipal Association (opposes bill):

We shouldn't tell a town that they must hire a security escort to deliver ballots. Seems like overkill. If you are paying a police officer overtime, this would be a 28A issue.

David Scanlan, Deputy Secretary of State (opposes bill):

Mentioned videos were not an accurate depiction of the delivery of ballots in this State. Have worked hard to develop a standard process around the state in terms of how the boxes are sealed. Impossible to create the kind of fraud that has been suggested by the videos. Believes NH does a good job already.

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1255-FN-L

BILL TITLE: relative to requirements for apportionment of damages.

DATE: February 9, 2010

LOB ROOM: 308

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Hoelzel

Seconded by Rep. Pierce

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 17-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Claudia Chase, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1255-FN-L

BILL TITLE: requiring a security escort for the delivery of ballots to the clerk.

DATE: 2/9/2010

LOB ROOM: 308

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Holzner

Seconded by Rep. Perel

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

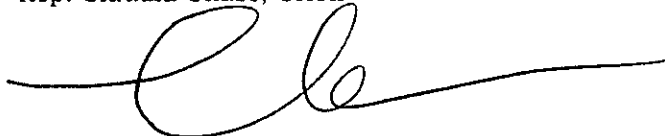
CONSENT CALENDAR VOTE: yla

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Claudia Chase, Clerk



ELECTION LAW

Bill #: HB 1225-FN-C Title: requiring a security escort for the delivery of the ballots to the clerk
 PH Date: 1 / 12 / 2010 Exec Session Date: 2 / 9 / 2010

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Clemons, Jane A, Chairman	✓	
Pierce, David M, V Chairman	✓	
Splaine, James R 0		
Chase, Claudia A, Clerk	✓	
Perry, Robert J	✓	
Levesque, Melanie A	✓	
Bartlett, Michael J	✓	
Spahn, June M Mennay, Liz H. 0		
Hodges, Kevin D	✓	
Horrigan, Timothy	✓	
Komi, Richard N 0		
Drisko, Richard B	✓	
Jasper, Shawn N	✓	
Maybeck, Margie L	✓	
Hoelzel, Kathleen M	✓	
Garcia, Marilinda J	✓	
Bates, David	✓	
Comerford, Timothy P	✓	
Doherty, Shaun S	✓	
Scala, Dino A	✓	
TOTAL VOTE: 17/0		

Committee Report

CONSENT CALENDAR

February 9, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on ELECTION LAW to which was referred HB1225-FN-L,

AN ACT requiring a security escort for the delivery of ballots to the clerk. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Kathleen M Hoelzel

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	ELECTION LAW
Bill Number:	HB1225-FN-L
Title:	requiring a security escort for the delivery of ballots to the clerk.
Date:	February 9, 2010
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would require a security escort for the delivery of ballots to the town/city clerk after an election. Many, if not most, clerks have an escort by the local police who were at the polling place. Any clerk or moderator can call for local or state police for assistance as needed. This bill would definitely be an additional cost to towns and cities. Therefore, it is a 28A issue for the state.

Vote 17-0.

Rep. Kathleen M Hoelzel
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

ELECTION LAW

HB1225-FN-L, requiring a security escort for the delivery of ballots to the clerk. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M Hoelzel for ELECTION LAW. This bill would require a security escort for the delivery of ballots to the town/city clerk after an election. Many, if not most, clerks have an escort by the local police who were at the polling place. Any clerk or moderator can call for local or state police for assistance as needed. This bill would definitely be an additional cost to towns and cities. Therefore, it is a 28A issue for the state. **Vote 17-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Election Law

BILL NUMBER: HB 1225- PN

TITLE: _____

DATE: 2/9/2010 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- RE-REFER
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

This bill would require a security escort for the delivery of ballots, ^{by the town/city clerk} after an election. Many if not ~~all~~ most, clerks ^{have} ~~are~~ an escort by the local police who were at the polling place. Any clerk or moderator can call for local or state police for assistance as needed. This bill would definitely be an additional cost to towns and cities. Therefore, it is a 28A issue for the State

COMMITTEE VOTE: 17-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. *Kathleen Hoyle*
For the Committee

Rep *Jane Clomon*